

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/508,378	SANCHEZ ET AL.	
	Examiner Tatyana Zalukaeva	Art Unit 1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 06/03/2004.

2.  The allowed claim(s) is/are 1,5,14,38-42,48 and 49.

3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached

1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

Tatyana Zalukaeva  
Primary Examiner  
Art Unit: 1713

**EXAMINER'S COMMENT/REASONS FOR ALLOWANCE**

**Examiner's Comment**

1. Applicants Amendment of 06/03/2004 has specified the three dimensional crosslinkable copolymer as a copolymer of (meth)acrylonitrile with glycidyl (meth)acrylate, and thus distinguished the instant claims from the prior art of record. All currently pending claims were rejoined and found allowable.

***Allowable Claims***

2. Claims 1, 5, 14, 38-42 and 48, 49 are allowed over the prior art of record.

***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance: Claims 1, 5, 14, 38-42 and 48, 49 as presently amended contain the limitation of a specific polymer of (meth)acrylonitrile with glycidyl (meth)acrylate, which forms a composition with metal salt that can be either in solution or optionally attached to a polymer. The closest prior art of record is Schroeder (U.S. 4,187,353) that discloses polymeric material comprising a copolymer of acrylic and/or methacrylic acid and acrylonitrile or methacrylonitrile and a composition of a polymer of methacrylic acid, methacrylonitrile containing a chromium methacrylate as a metal salt.

JP 62219469 discloses a polymer polyelectrolyte is disclosed , which is selected from a group of a homopolymer or copolymer of methyl or ethyl ester of acrylic acid, a copolymer of methyl or ethyl ester of acrylic acid and methyl or ethyl ester of methacrylic acid, polyvinyl alkyl ether and methacrylonitrile and is used as a gelation-causing agent. Lithium salts are exemplified as LiCF<sub>3</sub>SO<sub>3</sub> or LiBr.

Akashi et al U.S. 5,658,686 discloses a salt of polymer electrolyte that is further dissolved in a solvent (abstract), wherein an acrylonitrile and a copolymerizable copolymer, such as butadiene, vinyl chloride, methacrylate, etc are used (col.3, lines 42-58) in the presence of lithium salt, such as LiPF<sub>6</sub>.

However, none of the cited references of record, as well as a new reference of interest disclose or suggest fairly the polymer of (meth)acrylonitrile with glycidyl (meth)acrylate, which forms a composition with metal salt that can be either in solution or optionally attached to a polymer

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tatyana Zalukaeva whose telephone number is (571) 272-1115. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tatyana Zalukaeva  
Primary Examiner  
Art Unit 1713

July 26, 2004

